

**REMARKS**

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claim 7 was canceled by way of the amendment filed April 25, 2005, as being identical to claim 6. Thus, Claims 1-6 and 8-11 are pending in this application, with Claims 1, 10 and 11 being independent.

The Official Action rejects Claims 1-6 and 8-11 under 35 U.S.C. § 102(b) as being anticipated by British Patent No. 2,344,487, hereinafter *Smith*.

Examiner Sells is thanked for the courtesies extended to applicant's representative, Kevin McGoff, during an Examiner Interview on October 18, 2005. At that interview, an amended version of Claim 1 was discussed. Examiner Sells indicated that the amendment to Claim 1 seemed to overcome the anticipatory rejection based on *Smith*, although the Examiner noted that he would want to give final consideration to the matter upon the filing of a formal paper. Also, arguments were presented pointing out differences between Claims 10 and 11 and *Smith*. Based on those arguments, the Examiner indicated that he was inclined to agree that Claims 10 and 11 were not anticipated by *Smith*, but indicated that he would make a final determination upon further review of the cited documents based on arguments set forth in Applicant's response. The amendment and arguments pointing out the differences between amended Claim 1 and Claims 10 and 11, and *Smith* that were discussed during the interview are presented in this Amendment. It is requested that this case be favorably reconsidered in view of the amendment and remarks discussed during the interview and now set forth in this amendment.

**BEST AVAILABLE COPY**

Claim 1 is amended to additionally define that each recess includes at least two side portions that face one another and extend along lines that are parallel to one another. An embodiment of this subject matter is illustrated in Figs. 3 and 4 of the present application, where the portions of the recess 3a and 3b are shown as facing one another and extending along lines that are parallel to one another.

Thus, Claim 1 is now generally directed toward an ultrasound horn having a combination of features including a fixing section, a sealing section and a transfer section extending therebetween and one or more elongated recesses being formed at least in the transfer section. Each recess has two portions that face one another and extend along lines that are parallel to one another. The end of the recess located most proximal the sealing section has a rounding-off encompassing, along the rounding-off, at least a first portion having a first radius of curvature, a second portion with a second radius of curvature and a third portion with a third radius of curvature. The first radius of curvature is different from at least one of the second and third radii of curvature.

As discussed during the Examiner Interview, *Smith* does not disclose, together with the other claimed features, that the recess has two portions that face one another and extend along lines that are parallel to one another. For at least this reason, the rejection of Claim 1 should be withdrawn.

Claim 10 defines, in combination with the other claimed subject matter, that the transfer section has at least a first portion with a first radius of curvature and a second portion with a second radius of curvature. The Official Action relies on Fig. 20 of *Smith* for a disclosure of that subject matter. However, as discussed during the Examiner Interview, neither Fig. 20 nor any portion of *Smith* teaches or suggests a

transition section that has a first portion with a first radius of curvature and a second portion with a second radius of curvature. In fact, Fig. 20 seems to show the opposite, i.e., that a single constant radius of curvature leads directly into a straight taper section, thereby teaching away from the subject matter of Claim 10.

Claim 11 defines, together with the other claimed subject matter, that the surface at the transition between the sealing section and the transfer section is provided with a recess that displays a curvature such that a line which extends from the sealing section to the fixing section and which follows the end surfaces along the recesses describes a curve, wherein the recess has at least a first portion with a first radius of curvature and a second portion with a second radius of curvature. The

Official Action relies on Fig. 2 of *Smith* for a disclosure of that subject matter.

However, as discussed during the Examiner Interview, neither Fig. 20 nor any portion of *Smith* teaches or suggests a recess having at least a first portion with a first radius of curvature and a second portion with a second radius of curvature as defined in Claim 11. In fact, as pointed out during the interview, page 5, line 13 of *Smith* discloses that the "recess" at issue in Fig. 2 is "stepped". Therefore, it not only fails to disclose the claimed subject matter, but it instead suggests that the recess does not have a radius of curvature, thereby teaching away from the subject matter recited in Claim 11.

Claims 2-6, 8 and 9 are allowable at least by virtue of their dependence from allowable independent Claim 1, and because they recite features that additionally distinguish over the cited documents.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

**BEST AVAILABLE COPY**

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully request that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

(INCLUDING ATTORNEYS FROM BURNS DOANE SWECKER & MATHIS)

Date: October 27, 2005

By: Kevin Bryan McBoyle (Rn. 53,297)  
Matthew L. Schneider  
Registration No. 32,814

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

**BEST AVAILABLE COPY**